

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

GSK SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**SECOND MOTION ON BEHALF OF CERTAIN PARTICIPATING STATES FOR
EXTENSION OF TIME TO FILE PLAN OF ALLOCATION CONCERNING
UNCLAIMED CONSUMER FUNDS IN THE GSK SETTLEMENT**

On June 22, 2009, as part of the MDL Mediator Eric Green's decision on the disposition of remaining funds in the GSK consumer fund, Professor Green instructed the five participating states in that mediation (Arizona, Connecticut, Montana, Nevada and Pennsylvania) to file with the Court a joint agreement or proposal as to how any funds allocated to these states would be divided among them. This proposal was to be filed with the Court and the MDL Mediator on July 24, 2009. On July 23, 2009 Class Counsel, on behalf of the participating states, filed a Motion for Extension of Time to File Plan of Allocation (Docket No. 6279), requesting additional time, until July 31, 2009 to file the proposed allocation.

The parties involved continue to discuss the allocation but, due in large part to competing vacation schedules, have not yet reached a resolution and require modest additional time to attempt to devise a plan of allocation. Class Counsel has been asked, on behalf of these states, to request a modest extension of the deadline to file the agreed upon allocation from July 31, 2009 to August 7, 2009.

NOW THEREFORE, on behalf of these participating states, Class Counsel respectfully request that the Court grant the parties until August 7, 2009 to file a proposed division of funds between these states.

DATED: July 31, 2009

By /s/ Steve W. Berman
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**CO-LEAD COUNSEL FOR
PLAINTIFFS**

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **SECOND MOTION ON BEHALF OF CERTAIN PARTICIPATING STATES FOR EXTENSION OF TIME TO FILE PLAN OF ALLOCATION CONCERNING UNCLAIMED CONSUMER FUNDS IN THE GSK SETTLEMENT**, to be delivered to all counsel of record by electronic July 31, 2009, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman
Steve W. Berman